

REMARKS

Claims 26, 30-36, and 40-45 are pending. Claims 26, 30-36, and 38-45 are objected to. Claims 26, 28-36, and 38-45 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 36, 38, and 40-45 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 26, 28-36, and 38-45 are rejected under the judicially created doctrine of obviousness-type double patenting. Claims 26 and 36 are currently amended. Claims 1-25, 27-29 and 37-39 are cancelled without prejudice.

The specification is further objected to for reciting  $S_{12}$  rather than  $S_2$  at page 6, equation [6]. Applicants have amended equation [6] as suggested by Examiner.

Claims 26, 30-36, and 38-45 are objected to for receiving signals that are not used by the correction circuit (26 and 30-35) or producing a first symbol estimate (36 and 39-45). Independent claims 26 and 36 are amended to be consistent with Examiner's suggestions. Applicants believe the present amendment overcomes Examiner's objection.

Claims 26, 28-36, and 38-45 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Examiner indicates a lack of support "a first estimate signal determine from one of the first symbol and the second symbol and a second estimate signal determined from one of the complement from one of the complement of a conjugate of a second symbol and the conjugate of the first symbol." Applicants previously indicated support for these limitations at page 5, lines 19-24. Therein, the specification states "Rayleigh fading parameters are determined from channel estimates of pilot symbols transmitted from respective antennas at leads 204 and 208." These are necessarily estimate signals, since they are determined from channel estimates. The term "estimate signals" also appears in the Abstract and the claims as originally filed. To avoid any possible confusion, however, Applicants have amended independent claims 26 and 36 to recite "a first fading parameter estimate signal" and "a second fading parameter estimate signal." Applicants believe this amendment overcomes the rejection under 35 U.S.C. §112, first paragraph.

Claims 36, 38, and 40-45 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Examiner states "there is no use of first and second estimate signals in the claim." Applicants have amended independent claims 26 and 36 to recite a use of "a first fading parameter estimate signal" and "a second fading parameter estimate signal." Applicants believe this amendment overcomes the rejection under 35 U.S.C. §112, second paragraph.

Claims 26, 28-36, and 38-45 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10-22 of U.S. Pat. No. 7,366,266. A terminal disclaimer consistent with 37 C.F.R. § 1.321 is included with the instant response to overcome this rejection.

In view of the foregoing, applicants respectfully request reconsideration and allowance of claims 26, 30-36, and 40-45. If the Examiner finds any issue that is unresolved, please call applicants' attorney by dialing the telephone number printed below.

Respectfully submitted,



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